

Remarks

Applicants have carefully reviewed the Advisory Action mailed on December 13, 2004 and the Office Action mailed on October 1, 2004. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment and request for continued examination, claims 32 and 37 are amended. Please cancel claims 36 and 38 without prejudice. Claims 32-35, 37, and 39-51 remain pending.

Claims 32-51 are rejected under 35 U.S.C. §102(e) as being anticipated by Brady et al. in U.S. Patent No. 6,565,591. Please note that claims 36 and 38 are now cancelled and that claim 37 is amended to correct its dependency. The Examiner previously asserted that the guide olive 57 of Brady et al. constituted a part of the filter and that it included a "tapered portion" so that the Brady et al. filter could be interpreted to have a first tapered portion and a second tapered portion. This interpretation was relied upon in rejecting claims 32-51 in the October 1, 2004 Office Action and was maintained in the December 13, 2004 Advisory Action. Without conceding the merits of the Examiner's position, independent claim 32 is now amended to recite that the filter includes an attachment region that is attached to the elongate shaft and a filtering region. The filtering region includes a filter membrane with a plurality of apertures formed therein that are configured to allow blood to pass through the filtering region. The filtering region also includes a first and a second tapered portion. This feature can be seen, for example, in Figures 1-3.

Regardless of whether or not the guide olive 57 is interpreted to be part of the filter, it cannot be reasonably interpreted to be a part of the filtering region of the filter. This is because the filtering region, as recited in amended claim 32, includes a filter

membrane having a plurality of apertures formed therein. The guide olive 57 of Brady et al. does not appear to have these features. Therefore, the guide olive 57 cannot provide the additional "tapered portion" necessary for the Brady et al. filter to have any opportunity whatsoever to meet the limitation of a filtering region having both a first tapered portion and a second tapered portion. This is because the "filtering region" of Brady et al. only appears to have a single taper or tapered portion. Therefore, Brady et al. cannot anticipate amended claim 32 or claims 33-35, 37, and 39-51 depending therefrom.

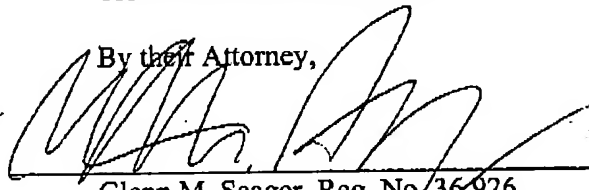
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

THOMAS BROOME ET AL.

By their Attorney,

Date:

March 3, 2005 

Glenn M. Seager, Reg. No. 36,926  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Tel: (612) 677-9050